

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

MARVIN MARTINEZ,

Petitioner, : Case No. 2:22-cv-2890

- vs -

District Judge Edmund A. Sargus, Jr.
Magistrate Judge Michael R. Merz

TOM WATSON,

:
Respondent.

DECISION AND ORDER

This habeas corpus case is before the Court on Petitioner's Motion for Reconsideration (ECF No. 30). That motion was filed on February 16, 2024, and seeks reconsideration of the Court's decision dismissing the case (ECF Nos. 28, 29).

The Motion must be denied because it is untimely. This Court's authority to reconsider its judgments, granted by Fed.R.Civ.P. 59(e), is rigidly limited to considering motions filed within twenty-eight days of judgment. See Fed.R.Civ.P. 6. Petitioner at least implicitly recognizes that limit by stating in one of the kites that he had only thirty days to move for reconsideration (see PageID 1154). Judgment was entered October 11, 2023, but the instant Motion was not filed until 128 days later on February 16, 2024.

Petitioner should consult Fed.R.Civ.P. 60(b). If he believes any of those conditions deals with his situation, he can move for relief from judgment for up to one year from judgment. However, the instant Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

February 16, 2024.

s/ Michael R. Merz
United States Magistrate Judge